

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re: TEXTAINER PARTNERSHIP
SECURITIES LITIGATION

No. C-05-0969 MMC

THIS DOCUMENT RELATES TO:
ALL ACTIONS

**ORDER RE: MOTIONS FOR
APPOINTMENT OF LEAD COUNSEL;
CONTINUING CASE MANAGEMENT
CONFERENCE**

For the reasons set forth at the July 8, 2005 hearing on the pending motions for appointment of lead counsel,

1. The Court hereby DENIES the motion for appointment of lead plaintiff by the group consisting of Alan P. Gordon ("Gordon") and Warren Heller ("Heller").

2. The Court hereby DENIES applicant Steven L. Craig's ("Craig") request for discovery.

3. No later than July 29, 2005, Heller shall submit supplemental briefing in support of his motion to be appointed as sole lead plaintiff, which shall consist of the following:

a. A declaration by Heller attesting to (1) the amount of his financial interest in the pending dispute between claimants in In re Real Estate Associates Limited Partnership Association, No. CV 98-07035 (C.D. Cal.); (2) the extent to which his involvement in that lawsuit would distract him from aggressively pursuing and monitoring the instant action on behalf of the class; (3) any other lawsuit currently pending in state or federal court in which he is involved in an individual or representative capacity; and (4) the

1 extent to which his involvement in such lawsuit(s), if any, would distract him from
2 aggressively pursuing and monitoring the instant action on behalf of the class.

3 b. A declaration or declarations explaining the matters of concern to the
4 district court in Heller v. American Industrial Properties REIT, 156 F. Supp. 2d 645 (W.D.
5 Tex. 2000) with respect to the calculation of damages and provision of notice to the class.

6 4. No later than August 12, 2005, Craig may file a response to Heller's
7 supplemental briefing.

8 5. Any memorandum submitted by Heller or Craig as part of either party's
9 supplemental briefing shall not exceed seven pages in length.

10 6. The case management conference in the above-titled action is hereby
11 CONTINUED from July 29, 2005 to October 28, 2005 at 10:30 a.m. The parties shall file a
12 joint case management conference no later than October 21, 2005.

13 **IT IS SO ORDERED.**

14 Dated: July 8, 2005

/s/ Maxine M. Chesney
MAXINE M. CHESNEY
United States District Judge